IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 16809 of 2004

For Approval and Signature:

HON'BLE MR JUSTICE MR SHAH

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1	Whether Reporters of Local Papers may be allowed to see the judgement ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copyu of the judgement ?
4	Whether this case involves a substantial question of law as to the interpretation of the constituition of India, 1950 of any order made thereunder ?
5	Whether it is to be circulated to the civil judgte ?

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CHABIBEN BECHARBHAI C/O. YOGESH B RATHOD ADVOCATE -

Petitioner(s)

Versus

STATE OF GUJARAT &2 - Respondent(s)

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Appearance :

MR KISHOR M PAUL for Petitioner No(s).: 1.

Shri HD Dave, AGP for Respondent No(s).: 1,2.

RULE SERVED for Respondent No(s).: 1,2.

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CORAM :HON'BLE MR JUSTICE MR SHAH

Date : 17/06/2005

ORAL JUDGMENT

Today, when the matter is called out, learned advocates appearing on behalf of the parties have stated that now the petitioner is paid the principal amount towards the gratuity which comes to Rs. 21,881 and therefore as such the main grievance and the cause do not survive.

2. Shri Kishore Paul, learned advocate appearing for the petitioner has submitted that the order was passed in the year 1999 but the amount is paid to the petitioner in the year 2005 and therefore the petitioner should be either paid interest and/or some reasonable cost. Shri HD Dave, learned AGP has submitted that in view of the fact that the respondent was contemplating to file appeal the amount was required to be deposited and it took some time for deposit of such amount for want of sanction of grant, however, recently after deposit of the amount an appeal came to be filed in the month of April 2005 and therefore requested not to pass any order.

3. The fact remains that there is an order passed in 1999 directing the respondents to pay the amount of Rs. 21,881 to the petitioner towards the amount of gratuity. The ground for non-payment of amount of gratuity submitted by the respondent is not satisfactory. In fact, under the provisions of Payment of Gratuity Act itself there is a provision with regard to payment of interest, but unfortunately the competent authority has not passed any order with regard to interest. In the facts and circumstances of the case, the respondents are directed to pay an amount of Rs. 2000 (Two Thousand) towards costs to the petitioner to be paid within the period of six weeks from the date of receipt of this order. With these observations and direction, the present Special Civil Application is disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

[M.R. Shah, J.]

rmr.